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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,237	03/15/2001	Vladimir Sadovsky	205719	5374

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EXAMINER

TRUONG, CAMQUY

ART UNIT PAPER NUMBER

2127

DATE MAILED: 07/28/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,237

Applicant(s)

SADOVSKY ET AL.

Examiner

Camquy Truong

Art Unit

2127

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/15/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-21 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The current title is imprecise.
3. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the examiner and Applicant all future correspondence should include the recommended line numbering.

Specification

4. The specification is objected to because on p. 13, lines 3,5 and 23 of the specification reference characters "80, 70 and application 80 " had been used to designate different items in Fig.3. In addition, Reference character "70" in Fig. 2 never mentioned in specification. The entire specification should be so revised.

Drawings

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because it include the following reference sign(s) not mentioned in the description: (specifically for Fig. 2) item 70 never mentioned in the specification. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2,6-10,12-13,16-17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinallo (US. Patent 5,727,212).

7. As to claims 1, 8, 12 and 16, Dinallo teaches the invention substantially as claimed including: A computer-readable medium having computer-executable

components for controlling a hardware device of a given device type installed in a computer system (Fig. 7-8), comprising:

A first device driver (OS 2DDTransport, Fig. 7) for interaction with, through a device driver interface (OO interface, col. 4, lines 31-32), an application running on the computer system (Object Oriented Subsystem; 50, Fig. 2; col.3, line 67- col.4 lines 1-2; col.5, lines 41-42).

A second device driver (OS2DDTransport; 54, Fig.2) programmed to support entry point functions (Figs.6-7; col. 17, lines 6-8) corresponding to a pre-selected set of operation commands generic to devices of the given type (Fig.3; col.2, lines 9-13; col. 3, lines 22-23; col. 4, 28-38) the entry point functions callable by the first device driver for controlling operations (col. 5, lines, 9-22, 41-44);

The first device driver programmed for receiving, through the device driver interface, a request from the application and calling the entry point functions of the second device driver to perform the requested operation (col.5, lines 41-46).

8. Dinallo does not explicit teach that the device driver is for controlling a hardware device. However, Dinallo teaches a system that is connected to different hardware peripheral devices (col.3, lines 41-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made that

Dinallo's system in fact provide the device drivers for controlling a hardware device because it is know in the art that the purpose of the device drivers is to control the hardware device.

9. As to claim 8, in additional, Dinallo teaches initializing the requested operation (col.2, lines 18-20).

10. As to claims 2, 17, 10 and 13, Dinallo teaches the device drive is for controlling an image-capturing device (col.6, and 41-42).

11. As claims 6,9 and 21, Dinallo teaches the first device driver is further programmed to pass to the second device driver a data structure (col.5, lines 31-34, lines 43-44) for storing operation parameter settings by the second device driver (col. 5, lines 36-37 and 55-57).

12. As to claim 7, Dinallo teaches a third device driver for a second hardware device, the third device driver programmed to interact with the application through the device driver interface for receiving requests for operations by the second hardware device and to control the second hardware to perform the requested operations (col.22, lines 9-13).

13. Claims 3-5,11,14-15, and 18- 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinallo (US. Patent 5,727,212) in view of Applicant Admitted Prior Art (APA).

14. As to claims 3-5 Dinallo teaches entry point function support by the second server (Fig.6-7; col. 17, lines 6-8) are callable to set parameters (col. 5, lines 36-37, lines 41-46, lines 55-57) and to initiate the x operation (col.2, lines 18-20; col. 5, line 12). Dinallo does not teach x as scanner.

15. APA teaches a scanner (page 2, lines 7-9).

16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dinallo and APA because APA's Scanner would add the fields of use of Dinallo's system by allowing scanner as one of the hardware devices for capturing color images for incorporation in presentations and communications.

17. As to claims 11,14-15 and 18-20, they are rejected for the same reason as claims 3-5 above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US.Pat. No. 6,587,129 B1 to Lavendel et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camquy Truong whose telephone number is (703) 305 - 8888. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Camquy Truong

June 22, 2004


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SUPERVISORY PATENT EXAMINER
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